



3. At the time of the Accident and the time of filing of this Complaint, Defendant was a resident and citizen of the State of Colorado.

4. Further, as set forth more fully below, Plaintiff seeks in excess of \$75,000.00, exclusive of interest and costs, from Defendant for the wrongful death of Kaden Johnson.

5. Based on the foregoing, this court has original jurisdiction under 28 U.S.C. Sec. 1332(a)(1), as the parties are diverse and the amount in controversy exceeds \$75,000.00.

6. Finally, the Western District of Oklahoma includes the county of Woods County. *See* 28 U.S.C. 116(c). Thus, venue is proper in the Western District of Oklahoma.

#### **FACTUAL BACKGROUND AND ALLEGATIONS**

7. On February 1, 2013, Kaden Johnson's father, Derek Johnson, was driving a 2007 Dodge Ram northbound on County Road 500 in Woods County, Oklahoma. Kaden Johnson, an eight year old male, was a passenger in Derek Johnson's vehicle.

8. On February 1, 2013, Defendant was also driving a vehicle northbound on County Road 500 directly behind Derek Johnson's vehicle. At that time, due to Defendant's actions/inactions, a collision between his vehicle and Derek Johnson's vehicle took place.

9. Specifically, Defendant was exceeding the legal speed limit, which inhibited him from avoiding a collision with Derek Johnson's vehicle, in violation of 47 O.S. § 11-801, amongst other statutes. Such constitutes negligence *per se*.

10. The Decedent, Kaden Johnson, did not contribute to the collision, nor did he have the capacity to contribute to the collision.

11. As a result of Defendant's negligence, Kaden Johnson sustained serious and fatal bodily injuries. He passed away several hours after the Accident.

12. The Accident, as well as Kaden Johnson's wrongful death, was the direct and proximate result of Defendant's negligence.

13. In addition to Kaden Johnson's pain and suffering preceding his passing, Plaintiff, on behalf of K.J's Estate, is entitled to recover from Defendant damages for, but not limited to:

- A. Medical and burial expenses, which exceed \$100,000.00;
- B. Loss of anticipated services and support;
- C. Loss of companionship and love;
- D. Destruction of the parent-child relationship; and
- E. Loss of monies expended in support maintenance and education prior to Kaden Johnson's death.

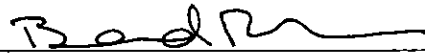
14. Further, Defendant's actions at the time of the Accident constituted a willful, wanton, and reckless disregard for the rights and safety of Kaden Johnson. As such, an award of punitive damages is in order.

15. Keri Johnson was the biological mother of Kaden Johnson. Furthermore, she has been appointed the Personal Representative of the Estate of Kaden Johnson in the District Court of Seminole County, Case No. PB-2013-51. Thus, she is the proper party to bring this suit.

WHEREFORE, Plaintiff, Keri Johnson, as Personal Representative of the Estate of Kaden Johnson, Deceased, respectfully requests this Court enter a judgment in her favor and

against Defendant, Bret Thomas Simpson, for damages in excess of \$75,000.00, including punitive damages, and along with interest, costs, attorney fees and any all other legal or equitable relief this Court deems just and proper.

Respectfully submitted,



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